REMARKS

This Response is submitted in reply to the Office Action dated November 4, 2004. Claims 1, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 23, 24, 25, 26, 27, 28, 31, 39, 40, 43, 52, 53, 58, 59, 60 and 61 have been amended. No new matter has been added by any of these amendments. A Request for Continued Examination (R.C.E.) and a Petition for a Three-Month Extension of Time to respond to the Final Office Action is submitted herewith. A check in the amount of $1,890.00 is submitted herewith to cover the cost of the R.C.E. and the three-month extension of time. Please charge Deposit Account No. 02-1818 for any insufficiency of payment.

The Office Action rejected Claims 1, 3, 4, 6, 39, 41 to 43, 52 to 53 and 61 to 62 under 35 U.S.C. § 102(e) as being anticipated by *Locke*. The office action rejected claims 2, 7-38, 40, 44-51 and 54-60 under 35 U.S.C. §103(a) as being obvious over *Locke*. The Office Action stated that the Affidavit of Anthony J. Baerlocher, which was submitted by Applicants in the previous response mailed on July 13, 2004, is not effective to overcome *Locke*. The Office Action takes the position that the present application is claiming the same subject matter as *Locke*. Applicants respectfully disagree and respectfully request reconsideration of the Affidavit of Anthony J. Baerlocher. As described below, all of the claims of *Locke* require the group of possible payout multiplier varying with the respective outcomes. The claims of the present invention do not require this.

Additionally, to expedite prosecution of this application, certain claims have been further amended to further ensure that those claims are not claiming the same subject matter as *Locke*. The Affidavit should at least be effective as to such claims. Additionally, the amended claims are all now separately patentably distinguished over *Locke*. It is noted that various additional amendments have been made to the claims for clarification purposes.

More specifically, Claims 1, 9, 13, 14 and 15 of *Locke* are set forth below.

      1.   A method of conducting a game of chance on a gaming machine controlled by a processor, comprising:

receiving a wager from a player;

randomly selecting a plurality of outcomes;

representing the outcomes with respective successive selections of game indicia;

selecting a payout multiplier for each of the respective outcomes from a group of possible payout multipliers, the group of possible payout multipliers varying with the respective outcomes;

awarding payouts for the respective outcomes according to a pay table; and

multiplying each payout by the respective selected payout multiplier.

9. A method of conducting a game of chance on a gaming machine controlled by a processor, comprising:

receiving a wager from a player;

randomly selecting a primary game outcome from a plurality of possible primary game outcomes;

in response to the primary game outcome being a bonus triggering outcome, randomly selecting a plurality of secondary game outcomes;

representing the secondary game outcomes with respective successive free spins of a plurality of symbol-bearing reels, wherein in each free spin the reels are rotated and stopped to place symbols on the reels in visual association with a symbol array;

selecting a payout multiplier for each of the respective secondary game outcomes from a group of possible payout multipliers, the group of possible payout multipliers varying with the respective secondary game outcomes;

awarding payouts for the respective secondary game outcomes according to a pay table; and

multiplying each payout by the respective selected payout multiplier.

13. A method of conducting a game of chance on a gaming machine controlled by a processor, comprising:

receiving a wager from a player;

randomly selecting a plurality of outcomes;

representing the outcomes with respective successive spins of a plurality of symbol-bearing reels, wherein in each spin the reels are rotated and stopped to place symbols on the reels in visual association with a symbol array;

selecting a payout multiplier for each of the respective outcomes from a group of possible payout multipliers, the group of possible payout multipliers varying with the respective outcomes;

awarding payouts for the respective outcomes according to a pay

table; and

multiplying each payout by the respective selected payout multiplier.

14.   A gaming machine controlled by a processor in response to a wager, comprising:

means for randomly selecting a plurality of outcomes;

means for representing the outcomes with respective successive selections of game indicia;

means for selecting a payout multiplier for each of the respective outcomes from a group of possible payout multipliers, the group of possible payout multipliers varying with the respective outcomes;

means for awarding payouts for the respective outcomes according to a pay table; and

means for multiplying each payout by the respective selected payout multiplier.

15.   A gaming machine controlled by a processor in response to a wager, comprising:

means for randomly selecting a plurality of outcomes;

means for representing the outcomes with respective successive spins of a plurality of symbol-bearing reels, wherein in each spin the reels are rotated and stopped to place symbols on the reels in visual association with a symbol array;

means for selecting a payout multiplier for each of the respective outcomes from a group of possible payout multipliers, the group of possible payout multipliers varying with the respective outcomes;

means for awarding payouts for the respective outcomes according to a pay table; and

means for multiplying each payout by the respective selected payout multiplier.

As indicated in bold above, all of the claims in *Locke* include a payout multiplier selected from a group of possible payout multipliers where the group of possible payout multipliers varies with the respective outcomes.   (See also Col. 1, lines 56-62). Therefore, the payout multipliers claimed in *Locke* are selected from varying groups of multipliers.

Locke discloses a slot machine including a base game and a free spin feature. The free spin feature is triggered upon the occurrence of a special start-feature symbol or a special combination of symbols on the reels in the base game. When the free spin feature is triggered, the slot machine provides a plurality of free spins to the player. The slot machine also displays a plurality of multipliers. Before each free spin, the slot machine randomly selects one of the remaining multipliers. The reels are activated and if a winning outcome occurs, the award associated with the winning outcome is multiplied by the selected multiplier for that free spin. The group of multipliers available to be chosen for each subsequent free spin decreases after each free spin.

Amended Claim 1 includes, among other elements, a processor which determines an award, if any, to provide to the player for each free spin based upon the symbols occurring on the reels from said free spin and based on one of the multipliers picked from the plurality of multipliers, wherein at least a first one of the multipliers and a second different one of the multipliers are picked during said plurality of free spins of the reels and wherein the second different multiplier is picked based on the first multiplier being previously picked. *Locke* does not disclose, teach, suggest or claim this combination. In *Locke*, the selection of the multiplier for each free spin is independent of the selection of the multiplier for each previous free spin. Locke thus teaches away from this combination of elements. One of ordinary skill in the art would not be motivated to change *Locke* in this manner. Accordingly, amended Claim 1 and the claims that depend there from are patentably distinguished over *Locke* and in condition for allowance.

Similarly, Amended Claim 61 includes, processor determines an award, if any, to provide to the player for each free spin based on the symbols occurring on the reels from said free spin and a picked one of the multipliers associated with said free spin, wherein at least a first one of the multipliers and a second different one of the multipliers are picked during said plurality of free of the reels, and wherein said second different multiplier is picked based on said first multiplier being previously picked. *Locke* does not disclose or claim this combination. In *Locke*, the selection of the multiplier for each free spin is independent of the selection of the multiplier for each previous free spin.

21

Locke thus teaches away from this combination of elements. Accordingly, amended Claim 61 and is patentably distinguished over *Locke* and in condition for allowance.

Amended Claim 17 includes, among other elements, a bonus round including a plurality of free spins of the reels, a plurality of multipliers associated with the free spins of the reels, wherein the multiplier associated with each free spin of the reels after a first free spin of the reels is greater than the multiplier associated with each free spin of the reels that precedes each free spin of the reels in each play of the bonus game. *Locke* does not disclose, teach, suggest or claim the multiplier associated with each free spin of the reels after a first free spin of the reels being greater than the multiplier associated with each free spin of the reels that precedes each free spin of the reels in each play of the bonus game. In *Locke*, the multiplier is randomly selected in each play of the bonus round. Thus, subsequent multipliers in *Locke* can be less than earlier multipliers. Claim 17 requires in each play of the bonus game, each subsequent multiplier being greater than each previous multiplier. One of ordinary skill in the art would not be motivated to change *Locke* in this manner. Accordingly, amended Claim 17 and the claims that depend there from are patentably distinguished over *Locke* and in condition for allowance.

Similarly, amended Claim 52 includes, among other elements, a secondary game which includes a plurality of symbols, a plurality of reel events employing said symbols and a different multiplier associated with each reel event, and a processor that for each and every reel event increases the multiplier after that reel event for every subsequent reel event. *Locke* does not disclose or claim a different multiplier associated with each reel event, a processor that provides the secondary game to a player, and for each and every reel event increases the multiplier after that reel event for every subsequent reel event. In *Locke*, the multiplier is randomly selected in each play of the bonus round. Thus, subsequent multipliers in *Locke* can be less than earlier multipliers. Claim 52 requires in each play of the bonus game, each subsequent multiplier being greater than each previous multiplier. One of ordinary skill in the art would not be motivated to change *Locke* in this manner. Accordingly, amended Claim 52 is patentably distinguished over *Locke* and in condition for allowance.

Similarly, amended Claim 53 includes, among other elements, increasing the multiplier after each free spin in each play of the bonus game for each subsequent free spin. *Locke* does not disclose, teach, suggest or claim increasing the multiplier after each free spin in each play of the bonus game for each subsequent free spin. In *Locke*, the multiplier is randomly selected in each play of the bonus round. Thus, subsequent multipliers in *Locke* can be less than earlier multipliers. Claim 53 requires in <u>each</u> play of the bonus game, each subsequent multiplier being greater than each previous multiplier. One of ordinary skill in the art would not be motivated to change *Locke* in this manner. Accordingly, amended Claim 53 and the claims that depend there from are patentably distinguished over *Locke* and in condition for allowance.

Amended Claim 31 includes among other elements, at least one incrementor symbol in the secondary symbols, a plurality of free spins of the secondary reels provided to a player in the secondary game, a plurality of multipliers associated with the free spins of the secondary reels in the secondary game, and a processor which increases the multiplier associated with each subsequent free spin of the secondary reels when one or more of the incrementor symbols occurs on the secondary reels in the free spins. *Locke* does not disclose, teach, suggest or claim at least one incrementor symbol in the secondary symbols and a processor which increases the multiplier associated with each subsequent free spin of the secondary reels when one or more of the incrementor symbols occurs on the secondary reels in the free spins. *Locke* teaches a random selection of the multiplier, not a multiplier selected based on the symbols which occur on the reels in the free spins. One of ordinary skill in the art would not be motivated to change *Locke* in this manner. Accordingly, amended Claim 31 and the claims that depend there from are patentably distinguished over *Locke* and in condition for allowance.

Similarly, amended Claim 39 includes, among other elements a secondary game which includes a plurality of reels, a plurality of symbols on the reels, a plurality of free spins of the reels and a multiplier associated with each free spin of the reels wherein at least one of the multipliers is determined based on the symbols that occur on the reels in at least one of the free spins of the secondary game. *Locke* does not disclose, teach,

23

suggest or claim a multiplier associated with each free spin of the reels wherein at least one of the multipliers is determined based on the symbols that occur on the reels in at least one of the free spins of the secondary game. *Locke* teaches a random selection of the multiplier, not a multiplier selected based on the symbols which occur on the reels in the free spins. One of ordinary skill in the art would not be motivated to change *Locke* in this manner. Accordingly, amended Claim 39 and the claims that depend there from are patentably distinguished over *Locke* and in condition for allowance.

Similarly, amended Claim 58, includes among other elements, determining whether an incrementor symbol appears on said reels, and increasing a multiplier if the incrementor symbol appears on said reels. *Locke* does not disclose, teach, suggest or claim determining whether an incrementor symbol appears on said reels, and increasing a multiplier if the incrementor symbol appears on said reels. *Locke* teaches a random selection of the multiplier, not a multiplier selected based on the symbols which occur on the reels in the free spins. One of ordinary skill in the art would not be motivated to change *Locke* in this manner. Accordingly, amended Claim 39 and the claims that depend there from are patentably distinguished over *Locke* and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY _____

Adam H. Masia
Reg. No. 35,602
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4284

Dated: April 29, 2005